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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,793	01/07/2004	Mario Rosario Carlone JR.	P06276US01-PHI 1334	5128
27142	7590	05/17/2006	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: PIONEER HI-BRED 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			FOX, DAVID T	
			ART UNIT	PAPER NUMBER
			1638	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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050106

**DATE MAILED:**

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**Commissioner for Patents**

### **REQUEST FOR INFORMATION UNDER 37 CFR 1.105**

The amendment of 02 March 2006 is acknowledged. Upon further consideration, it has been deemed necessary to defer response to that amendment, in view of the following Request for Information. The delay in prosecution is deeply regretted.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This request is being made for the following reasons:

Applicant is claiming hybrid seed which inherently comprises at least one set of the chromosomes of maize line PH581, plants produced from the hybrid seed, and methods of their use (see, e.g., claims 1-10, 13-16, 18 and 25-29). However, the instant specification is silent with regard to the starting materials and methods used to produce maize line PH581. The requested information is required to make a meaningful and complete search of the art.

Furthermore, it is noted that claim 16 is drawn to a seed produced on the hybrid plant of claim 15, i.e., a seed produced by crossing the above hybrid with another plant, either itself or any other plant including any other non-PH581 plant. The seed of claim 16 may encompass less than half of the chromosomes of maize line PH581. In fact, such a seed may encompass none of the chromosomes of maize line PH581.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) What were(are) the original parental maize lines used to produce maize line PH581? Please supply all of the designations/denominations used to make the original parental line PH581. Please supply information pertaining to the lineage of the original parental lines back to any publicly available varieties.

(ii) What method and method steps were used to produce maize line PH581?

(iii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had any of said parental maize line PH581, parents of said maize line PH581, or progeny thereof been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said parent maize line PH581, parents and/or progeny thereof disclosed or made publicly available; and from when to when?

(iv) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, were any other maize lines PH581, parentals thereof, or progeny thereof, produced by said method using said original maize line PH581 or its parents, and if so, had said produced maize lines PH581, parentals thereof, or progeny thereof been publicly available or sold? If so, under what designation/denomination and under what conditions were said other maize lines PH581, parentals thereof, or progeny thereof disclosed or made publicly available; and from when to when?

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP 724.02 when submitting the requested information.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is 571-272-0795.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2006

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 1601/638



  
ANNE MARIE GRUNBERG  
SUPERVISORY PATENT EXAMINER